

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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ANTHONY DEREK MOZONE, as administrator of  
the Estate of DARIUS M. MARSHALL and CINDY  
MOONSAMMY MARSHALL,  
wife of DARIUS M. MARSHALL,

**ORDER**

#08 Civ. 2893

Plaintiffs,  
-against-

THE CITY OF NEW YORK, as Owner and  
Operator of the  
M/V ANDREW J. BARBERI,

Defendants.  
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The above-captioned matter having come before the Court upon the Petition of the plaintiff for approval of settlement and allocation of the settlement funds, and upon reading and filing the petition of the Administrator of the estate of DARIUS M. MARSHALL, deceased, and the Affidavit of SCOTT E. RYNECKI, ESQ.,

IT IS on this \_\_ day of \_\_\_\_\_ 2008,

ORDERED that;

The action against the above-named defendants is settled in the total amount of  
\$2,500,000.00;

The settlement shall be allocated one hundred percent to wrongful death damage;

The attorneys shall be permitted to issue a check from the settlement proceeds as and for reimbursement of their disbursements;

The attorneys shall/shall not distribute a fee to the Administrator of the estate in the sum of \$\_\_\_\_\_;

The attorneys shall hold 1/3rd of the net settlement in the attorney escrow account of RUBENSTEIN & RYNECKI, ESQS., said sum to be held pending the decision of this Court on the issue of attorney's fees in this matter;

The attorneys shall immediately distribute 2/3rd of the net settlement to the distributee CINDY MOONSAMMY MARSHALL as and for her share;

The Administrator is authorized to compromise and settle the cause of action for wrongful death of the decedent against the above-named defendants, for the sum of \$2,500,000.00, and said Administrator is further authorized to execute and deliver any and all documents as may be required to effectuate said settlement;

ORDERED, ADJUDGED AND DECREED, that the restrictions contained on the Limited Letters of Administration heretofore issued are hereby modified to the extent necessary to permit the acts herein directed, and the filing of a bond or other security therefore is hereby dispensed with; and it is further

ORDERED, ADJUDGED AND DECREED, that upon complying with the terms of this decree, the said Administrator is hereby released and discharged of any further liability as to all matters embraced in this decree and account shall be marked settled.

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U.S.D.J.